

MT LEGISLATIVE HISTORY

Chapter 135 19 61

Bill H 376 S _____

Original bill & hist. C

H. Committee on Ag. & Liv.

S. Committee on Iron & Water

Hearing Date(s) _____ C

Hearing Date(s) 2/15 C

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Date Out 2/7 C

2/17 C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

February 7, 1961

The Agriculture and Irrigation Committee met at 1:15 P.M. with a quorum present and Chairman Leuthold presiding.

The Chairman asked that H.B. 169 be reconsidered to delete the word "suspicioned" and insert the word "suspected". Rep. Eskildsen moved that H.B. 169 be so amended and as amended, do pass, seconded by Rep. Burrell and the motion carried.

Chairman Leuthold said he had been able to get further information on H.B. 4 and stated it didn't seem necessary to raise the price of the egg inspection seals as the division at present receives more money than is required for the egg inspections. Rep. Burrell moved that H.B. 4 do not pass, seconded by Rep. Jensen and the motion carried.

Chairman Leuthold said that after H.B. 176 appeared on General Orders, questions were asked that couldn't be answered and the bill was back in Committee for further clarification. Rep. Eskildsen moved it do not pass, seconded by Rep. Twedt and the bill was discussed further. Rep. Bardonouve made a substitute motion that H.B. 176 do pass, seconded by Rep. Stranahan and the substitute motion carried 9 to 3.

After considerable discussion of H.B. 263, Rep. Bardonouve moved that H.B. 263 do pass, seconded by Rep. Wright and the motion carried.

H.B. 242 was studied. Rep. Bardonouve moved it do not pass, seconded by Rep. Jensen. Rep. Wright made a substitute motion that it do pass but there being no second, a vote was taken on the first motion and the motion carried.

Chairman Leuthold explained H.B. 376 and stated a man from Billings had asked to appear on the bill but had been unable to come. The bill would allow people in a sub-division to use and pay for irrigation water. Rep. Eskildsen noticed that the bill would require amending in the title to include a repealing and effective date clause. Rep. Twedt moved that H.B. 376 be amended in the title to include the repealing and effective date clauses and as amended, do pass, seconded by Rep. Wright and the motion carried.

The meeting was adjourned at 2:00 P.M.



John H. Leuthold, Chairman

AGRICULTURE COMMITTEE

No.	Date	Date Out	As Amended	Do Pass	Do Not Pass	Sub. Com.	Be Concurred In	Be Not Concurred In
3		1-26-61			✓	✓		
4		2-7-61			✓			
7		1-17-61	✓	✓				
10		1-10-61	✓	✓				
109		1/17/61	✓	✓				
110		1-17-61		✓				
121		1/12/61		✓				
10		1/10/61	✓	✓				
25								
44		1-12-61	✓	✓				
109		1-17-61		✓				
110		1-17-61		✓				
169	1/1/61	2-7-61	✓	✓				
176	1/18/61	1-24-61		✓				
185	1/18/61	1-31-61	✓	✓				
198	1/18/61	1-24-61			✓			
199	1/18/61	1-24-61		✓				
242	1/24/61	2-10-61	✓	✓				
247	1/20/61	1-26-61		✓				
263	1/20/61	2-7-61		✓				
273		1-24-61		✓				
276		2-7-61	✓	✓				

SENATE COMMITTEE ON WATER & IRRIGATION

[illegible]

.....February 7, 1961.....

MR. SPEAKER:

We, your Committee on Agriculture and Irrigation
having had under consideration.....House.....Bill No. 376

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 89-1803 AND 89-1804 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO THE RATE OF CHARGE AND APPORTIONMENT OF A RUAL TAX LEVY AGAINST LANDS IN IRRIGATION DISTRICTS AND PROVIDING FOR A MINIMUM CHARGE OF FIVE DOLLARS (\$5.00) AGAINST ANY SEPARATELY OWNED TRACT OF LAND WITHIN AN IRRIGATION DISTRICT REGARDLESS OF THE SIZE OF SAID TRACT."

Respectfully report as follows: That House.....Bill No. 376
Be amended as follows:

By striking in line 10, page 1, of the title of the original bill, following the word "TRACT", the period and quotes (".") and inserting in lieu thereof a semi-colon (;) and adding: REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREBY; AND PROVIDING AN EFFECTIVE DATE."

AND AS AMENDED,

~~Do Pass.~~

.....Leuthold.....Chairman
John H. Leuthold

February 17, 1961

MR. PRESIDENT:

We, your Committee on IRRIGATION AND WATER
having had under consideration HOUSE Bill No. 376

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 89-1803 AND 89-1804 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO THE RATE OF CHARGE AND APPORTIONMENT OF ANNUAL TAX LEVY AGAINST LANDS IN IRRIGATION DISTRICTS AND PROVIDING FOR A MINIMUM CHARGE OF FIVE DOLLARS (\$5.00) AGAINST ANY SEPARATELY OWNED TRACT OF LAND WITHIN AN IRRIGATION DISTRICT REGARDLESS OF THE SIZE OF SAID TRACT; REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That House Bill No. 376

of the notice. No publication of notice other than that provided for in this act shall be necessary to give validity to any of the proceedings provided therein. The word 'twice,' as used in this act, referring to the number of times, notices, resolutions or other matter shall be published, shall be held to mean publication of the same in two entire issues of the newspaper, one being on one day and the other issue being on a subsequent day of the same or subsequent week.

"Twice" defined.

"Municipality" and "city" defined.

"5. The word 'municipality' and the word 'city,' as used in this act, shall be understood and so construed as to include, and are hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized for municipal purposes.

"Paved" and "re-paved" defined.

"6. The word 'paved' or 're-paved,' as used in this act, shall be held to mean and include pavement of stone, whether paving blocks or macadam, or of bituminous rock or asphalt, or of wood, brick or other material, whether patented or not, which the board of county commissioners by rule or resolution shall adopt.

"Street" defined.

"7. The word 'street,' as used in this act, shall be deemed and is hereby declared to include avenues, highways, lanes, alleys, crossings or intersections, courts and places, which have been dedicated and accepted according to the law or in common and undisputed use by the public for a period of not less than five years next preceding, and the term 'main street' means such actually opened street or streets as bound a block; and the word 'blocks,' whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city.

"Blocks" defined.

"Engineer" defined.

"8. The term 'engineer,' designated in the petition as used in this act, shall be understood and so construed as to mean the person, firm or corporation whose name is designated and approved by the board of county commissioners as the engineer in the original petition asking for the improvement and may be the county surveyor.

"Board of county commissioners" defined.

"9. The term 'board of county commissioners' is hereby declared to include any body or board which under the law is the legislative department of the government of the county.

"10. The terms 'clerk,' 'county clerk,' as used in this

act, are hereby declared to include any person or officer who shall be clerk of the said board of county commissioners.

"Clerk" and "county clerk" defined.

"11. The term 'quarter block,' as used in this act, as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street half way from such intersection to the next main street, or when no main street intervenes all the way to the boundary line of any city.

"Quarter block" defined.

"12. The term 'county treasurer,' as used in this act, shall be held to mean and include any person who, under whatever name or title, is the custodian of the funds of the county.

"County treasurer" defined.

"13. The term 'street intersection,' wherever used in this act, shall be held to mean that parcel of land at the point of juncture or crossing of intersecting streets which lies between lines drawn from corner to corner of all lot lines immediately cornering at such juncture."

"Street intersection" defined.

Approved March 2, 1961.

CHAPTER 135

An Act to Amend Sections 89-1803 and 89-1804 of the Revised Codes of Montana, 1947, Relating to the Rate of Charge and Apportionment of Annual Tax Levy Against Lands in Irrigation Districts and Providing for a Minimum Charge of Five Dollars (\$5.00) Against Any Separately Owned Tract of Land Within an Irrigation District Regardless of the Size of Said Tract; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 89-1803 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"89-1803. (7234) **All irrigable lands chargeable alike.** All irrigable lands in each irrigation district, except such lands as have been included within such district on account of the exchange or substitution of water, under the

Irrigable lands chargeable alike subject to \$5.00 minimum charge.

provisions of section 89-1611, shall pay at the same rate for all purposes for which said lands are charged; *providing however, that there may be a minimum charge of five dollars (\$5.00) against each separately owned tract of land regardless of its size, as hereinafter provided in section 89-1804 of this code as amended*; and except that whenever water used for the irrigation of any lands within an irrigation district shall be obtained by pumping to different elevations, the cost of maintenance, operation, and pumping to each separate elevation shall be apportioned and levied upon the lands lying under the ditch or ditches running from that particular elevation, in such manner as may be determined fair and equitable by the board of commissioners after considering the facts in each case. Such apportionment shall be made by the board of commissioners and included each year in the assessment provided for by section 89-1804 of this code as amended.

Pumping costs
apportioned.

Assessment
for costs upon
notice subject
to federal laws.

"The amount of such assessment for maintenance, operation, and pumping of water to each separate elevation, whenever there are different elevations, shall be determined by the board of commissioners in such manner, and upon such notice to the persons interested in said district, as said board in its rules and regulations may provide; and provided further, that where contract shall have been made with the United States, the lands within the district, whether originally included or later annexed to the district, shall pay in accordance with the federal reclamation laws and the public notices, orders, and regulations issued thereunder, and in compliance with any contracts made by the United States with the owners of said lands; and in compliance further, with the contract between the districts and the United States; and provided further, that where the works necessary for the completed project shall be constructed progressively, over a period of years, and that where a portion of the lands within the district are or can be irrigated one year or more before the completion of the entire project, then and in that case, such lands, so irrigated or that can be so irrigated through the built portion of the project, shall pay for the cost of operating that portion of the project serving them with irrigation water, and also shall pay such portion of the interest charges as its irrigable area bears to the irrigable area of the entire project; and in case of lands having appurtenant thereto a partial water right or par-

tial rights in a system of irrigation other than that of the districts, the amounts payable shall be equitably apportioned."

Section 2. That section 89-1804 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"89-1804. (7235) **Annual tax levy — Apportionment when tracts divided.** (1) On or before the second Monday in July each year the board of commissioners of each irrigation district organized hereunder shall ascertain the total amount required to be raised in that year for the general administrative expenses of the district, including the cost of maintenance and repairs, and the total amount to be raised that year for interest on and principal of the outstanding bonded or other indebtedness of the district, including any indebtedness incurred under any contract between the district and the United States accompanying which bonds of the district have not been deposited with the United States as in section 89-1301 provided, and shall levy against each forty-acre tract or fractional lot as designated by the United States public survey, or platted lot, if land is subdivided in lots and blocks (or where land shall be owned in less than forty-acre tracts or in less than the platted lot, then against each such tract) of land in the district, that portion of the said respective total amounts so to be raised which the total irrigable area of any such tract bears to the total irrigable area of the lands in the district, so that each acre of irrigable land in the district shall be assessed and required to pay the same amount as every other acre of irrigable land therein, unless otherwise specifically provided; *providing however, that the board of commissioners may make a minimum charge of five dollars (\$5.00) against each separately owned tract of land, regardless of its size.*

Annual tax levy
subject to \$5.00
minimum charge
on each separately
owned tract.

"(2) In the event that the ownership of any such forty-acre tract, or other subdivision of land in the district, shall be divided after a special tax or assessment against the same has been levied, each or either of the owners of such tract or subdivisions shall be entitled to have such special tax or assessment equitably apportioned to and against said divisions of such tract or subdivisions, so that each owner shall be enabled to pay such special tax or assessment against his portion of such tract or sub-

Apportionment—
divided
ownership
after levy.

division, and have the same discharged from the lien thereof; *providing however, that in no event shall the charge against any separately owned tract of land be less than five dollars (\$5.00).*

Limitation—
\$4.00 per acre
maximum
annual levy.

“(3) *Except that a minimum charge of five dollars (\$5.00) may be charged against any separately owned tract of land, regardless of its size, when the irrigable land in a tract contains two (2) acres or more, not more than four dollars per acre, against each irrigable acre of land in the district, shall be levied in any one year on account of administrative expenses and cost of maintenance and repairs, but this provision shall not invalidate any warrant lawfully issued or to be issued; provided, however, that this limitation shall not apply to any district supplying water by means of any system other than a gravity system.*

Board may cancel
levy—when.

“(4) Whenever the board of commissioners has provided for the payment of any indebtedness of the district by levy of a special tax or assessment, and thereafter makes provision for the payment of said indebtedness by the issuance of bonds, said board may cancel any portion or all of said levy theretofore made to raise funds to pay said indebtedness; and whenever said board has provided for the payment of any indebtedness of the district by the authorization of bonds and the levy of a special tax or assessment to pay the principal of and interest on said bonds, the thereafter cancels said issue of bonds as provided for in section 89-1707 said board may cancel any portion or all of said levy theretofore made to raise funds to pay the principal of or interest on said bonds so cancelled, and refund to the respective persons paying the same the funds, if any, in the custody of the county treasurer collected for the purpose of meeting the principal of and interest on such bonds so cancelled.

Three-year
limitation
on omitted
assessments.

“(5) Any land or lands which may for any reason have escaped assessment in any previous year or years may be assessed or listed for the omitted years and omitted charges, in any subsequent year at the time of the making of the assessment in and for such subsequent year, but no such assessment shall be made later than three years after the occurrence of such omission.”

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act shall be in full force and effect from and after passage and approval. Effective immediately.

Approved March 2, 1961.

CHAPTER 136

An Act to Repeal Section 16-1621, Revised Codes of Montana, 1947, Relating to the Payment of Contracts for the Construction and Maintenance of Improvements in Rural Improvement Districts; to Amend Section 16-1620, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 3, Laws of 1955, and Section 7, Chapter 260, Laws of 1959, Relating to the Form and Terms and Use of Bonds and Warrants of Rural Improvement Districts; Providing That the Bonds and Warrants of Rural Improvement Districts Shall be Sold by the Board of County Commissioners to the Highest and Best Bidder and Payment of Contracts of Rural Improvement Districts Made From the Proceeds of Such Sale of Bonds and Warrants; Prescribing the Procedure to be Followed in Connection With the Sale of Such Bonds and Warrants; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 16-1621, Revised Codes of Montana, 1947, be, and the same is hereby repealed. Repealing clause.

Section 2. That section 16-1620, Revised Codes of Montana, 1947, as amended by section 1, chapter 3, laws of 1955, and section 7, chapter 260, laws of 1959, be, and the same is hereby amended to read as follows: Amending clause.

“16-1620. (4593) **Form and terms of district warrants and bonds.** *Payment of contracts.* (1) All costs and expenses incurred in the construction or maintenance of any improvement specified in this act, in any improvement district shall be paid for by special improvement district bonds, or warrants. Such bonds or warrants shall be drawn in substantially the following form:

Form of special
improvement
district bonds
or warrants.